

March 1, 2016

The Honorable Thomas Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington DC 20554

Dear Chairman Wheeler:

I am writing to request that you expedite consideration of a limited waiver petition submitted by the Enlarged City School District of Middletown with respect to Section 64.1601(b) of the Federal Communications Commission's (FCC) rules. The waiver would allow the Middletown School District to access vital caller identification information, such as the calling party number (CPN), from individuals placing false terror threats using a restricted phone number.

Over the past year, the Middletown School District has been plagued by "swatting" attacks, in which a caller has repeatedly made threats of violence against schools. In fact, since the beginning of this school year, the Middletown School District has experienced 13 instances of swatting calls, with half of the calls made to Maple Hill Elementary School alone. The Middletown School District has now had more swatting incidents than any other school district in the country. The damage from these calls is far-reaching, often disrupting classrooms, temporarily closing down surrounding streets and businesses, and requiring the deployment of armed SWAT teams, bomb squads and other police units. As you can imagine, these attacks have traumatized the community of Middletown and disrupt the lives of students, parents and school personnel. Despite extensive investigatory efforts, neither the School District nor law enforcement have been able locate the perpetrator of these cruel and terrifying hoaxes, largely because he or she is hiding behind blocked numbers.

An approval of a Section 64.1601(b) waiver could significantly enhance Middletown's efforts to investigate these alarming threats. Access to the restricted CPNs, which would be stored in a centralized location, will allow critical school personnel and law enforcement officials to coordinate with one another in their attempts to quickly respond to swatting calls made to the Middletown School District. Without the ability to determine the validity of each threat and take proper precautions, perpetrators are allowed to hide in the shadows while they instill fear and panic into the students of the Middletown community. This is simply unacceptable. Middletown schools deserve access to all of the tools needed to ensure these criminals meet justice.

There is important precedent for the Commission to grant the kind of special request Middletown is making, including prior waivers granted under similar circumstances to the Liberty School District in Missouri and to NASA.

The Commission has had a long and distinguished history of ensuring that its rules maintain the careful balance between privacy and public safety, and I strongly believe this is a situation where public safety must prevail. As Middletown continues to combat this frightening plague, I urge the FCC to consider their limited waiver petition before any more precious hours of education are lost.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles E. Schumer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles E. Schumer



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

April 5, 2016

The Honorable Charles E. Schumer
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Schumer:

Thank you for your letter regarding the waiver petition filed by the Enlarged City School District of Middletown, NY. Your views are very important and will be included in the record of the proceeding, CC Docket No. 91-281, and considered as part of the Commission's review.

As you know, the Commission's rules prohibit common carriers from disclosing the calling party telephone number to the called party when the calling party has chosen to block caller identification information from being transmitted. This requirement was adopted to protect the privacy of consumers who choose not to disclose their phone numbers to called parties. Nonetheless, as our Consumer and Governmental Affairs Bureau has recognized in past cases where calls with blocked caller ID information have been used to convey threats, such an exigency justifies the limited waiver of our rule in order to facilitate prompt investigation of the threatening calls.

The Bureau issued a Public Notice seeking comment on the Middletown petition on March 2, 2016. Comments were due on March 16, and reply comments on March 23. The Bureau is now closely examining the record and the issues presented in the waiver petition, and expects to issue its decision in the immediate future.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

Tom Wheeler